

RPD:JGM
F. #2003R01236

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

- against -

JOHNNY A. RODAS,
also known as "Arana,"

Defendant.

S U P E R S E D I N G
I N F O R M A T I O N

Cr. No. 03-851 (S-3) (LDW)
(T. 18, U.S.C., §§
924(c)(1)(A)(iii), 924(j)(1),
1959(a)(1) and 3551 et seq.)

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THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION TO ALL COUNTS

At all times relevant to this Superseding Information:

1. La Mara Salvatrucha, also known as the MS-13 (the "MS-13"), was a gang composed primarily of immigrants from El Salvador, with members located throughout Long Island and elsewhere. The defendant JOHNNY A. RODAS, also known as "Arana," was a member of the MS-13. The Salvadorans With Pride (the "SWP") was a rival street gang, with members located throughout Long Island.

2. Members of the MS-13 sometimes signified their membership with tattoos reading, among other things, "13" and "MARA SALVATRUCHA," frequently written in gothic lettering. Members of the MS-13 engaged in criminal activity, such as murder, assault and narcotics trafficking. Participation in criminal activity by a member, especially violence directed at

rival gangs or MS-13 members believed to be law enforcement informants, increased the respect accorded to that member and could result in a promotion to a leadership position. Members of the MS-13 purchased, maintained and circulated a collection of firearms for use in criminal activity.

THE RACKETEERING ENTERPRISE

3. The MS-13, including its leadership, membership and associates, constituted an "enterprise" as defined in Section 1959(b)(2) of Title 18, United States Code, that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

4. The MS-13, through its members and associates, engaged in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), that is, acts and threats involving murder, in violation of the laws of the State of New York, and narcotics trafficking, in violation of Title 21, United States Code, Sections 841 and 846.

COUNT ONE

(Murder of Jaime Figueroa)

5. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

6. On or about February 23, 2003, within the Eastern District of New York, the defendant JOHNNY A. RODAS, also known as "Arana," for the purpose of maintaining and increasing his position in the MS-13, an enterprise that was engaged in racketeering activity, did knowingly and intentionally murder Jaime Figueroa, an individual whom he believed to be a member of the SWP, in violation of New York Penal Law Section 125.25(1).

(Title 18, United States Code, Sections 1959(a)(1) and 3551 et seq.)

COUNT TWO

(Discharge of Firearm During a Crime of Violence)

7. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

8. On or about February 23, 2003, within the Eastern District of New York, the defendant JOHNNY A. RODAS, also known as "Arana," did knowingly and intentionally use and carry a firearm, to wit: a .38 Caliber Colt Revolver, during and in relation to the crime of violence charged in Count One, and did knowingly and intentionally possess that firearm in furtherance of that crime of violence, which firearm was discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 3551 et seq.)


COUNT THREE

(Causing the Death of a Person Through the Use of a Firearm)

9. The allegations contained in paragraphs one through four are realleged and incorporated as if fully set forth in this paragraph.

10. On or about February 23, 2003, within the Eastern District of New York, the defendant JOHNNY A. RODAS, also known as "Arana," in the course of a violation of Title 18, United States Code, Section 924(c), to wit: the crime charged in Count Two, did knowingly and intentionally cause the death of a person through the use of a firearm, to wit: a .38 Caliber Colt Revolver, which killing was a murder as defined in Title 18, United States Code, Section 1111(a), in that the defendant, with malice aforethought, did unlawfully kill Jaime Figueroa willfully, deliberately, maliciously, and with premeditation.

(Title 18, United States Code, Sections 924(j)(1) and 3551 et seq.)


ROSLYNN R. MAUSKOPF
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EASTERN DISTRICT OF NEW YORK